

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Ordinance

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 1-5-01 Applicant: C. William Laystrom, Jr., Esq., petitioner/Fidel Farias and Marc Geiserman, Trustee, owners. 5990 SW 82 Avenue/Generally located 615 feet north of the northeast corner of Stirling Road and SW 82 Avenue.

REPORT IN BRIEF:

The applicant requests to rezone the 3.58 acre subject property as well as the abutting 9.04 acres to the south, from A-1 to B-2 for the construction of an 87,000 square foot retail center, parking, retention, and landscaping. This rezoning would provide a consistent zoning designation with the properties to the north and south zoned A-1 (under consideration for rezoning to B-2) and west (zoned B-2), if approved. It would also remain consistent with the Town and County Commercial Land Use Plan Designation for said properties.

PREVIOUS ACTIONS:

Town Council approved the request at the March 21, 2001 meeting (motion carried 5-0).

CONCURRENCES:

The Planning and Zoning Board recommended to approve the request at its March 14, 2001 meeting (motion carried 4-0).

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance, Legal Description, Subject Site, Land Use Map, Aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District, to B-2, Community Business District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District, to B-2, Community Business District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-2, Community Business District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.



CONSUL-TECH ENGINEERING, INC.

Consulting Engineers • Land Planners • Land Surveyors

3141 COMMENCE PARKWAY
MIAMI, FLORIDA 33125

PHONE (305) 438-4300
FAX (305) 438-4355

-SKETCH AND DESCRIPTION-

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DESCRIPTION SHOWN HEREON

LEGAL DESCRIPTION:

PARCELS 21:

A PORTION OF TRACT 61 "EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, SECTION 33, TOWNSHIP 50 SOUTH RANGE 41 EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 67 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, SAID LANDS BEING SITUATED IN BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF TRACT "A" OF "FLORIDA TRAILS WEST", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 125, PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 87°28' 45" WEST, ALONG THE NORTH LINE OF SAID TRACT 61, BEING ALSO THE WESTERLY EXTENSION OF SAID NORTH LINE OF "FLORIDA TRAILS WEST" PLAT, A DISTANCE OF 649.02 FEET TO A POINT ON THE WESTERLY TRACT LINE OF SAID TRACT 61;
THENCE SOUTH 01°54' 30" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 319.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 87° 28' 45" EAST, A DISTANCE OF 375.58 FEET;
THENCE SOUTH 01°54' 25" WEST, A DISTANCE OF 150.00 FEET;
THENCE SOUTH 87°28' 45" WEST, A DISTANCE OF 175.67 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT 61;
THENCE NORTH 01°54' 30" WEST, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.
SAID LAND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA CONTAINING 2.8452 ACRES (125,545 SQUARE FEET) MORE OR LESS.

PREPARED BY
STEPHEN K. SILEY
PROFESSIONAL SURVEYOR AND MAPPER No. LS 4974
STATE OF FLORIDA

SHEET 2 OF 2

| DATE/SURVEYOR | DATE | BY | CHKD | NOTE: The undersigned, CONSULTING ENGINEERING, INC., who as representative is, guarantees as to the completeness of the information herein set forth pertaining to ownership, right of way, easement lines, encumbrances, adjacent or other matters of record. This instrument is intended to reflect as set forth fully those items shown to the engineer, surveyor, or other CONSULTING ENGINEERING, INC., did not conduct the public records for matters affecting the lands shown. |
|---------------|------|----|------|--|
| | | | | NOTE: This instrument is the property of CONSULTING ENGINEERING, INC., and shall not be reproduced in whole or in part without written permission of CONSULTING ENGINEERING, INC. (C/E) |
| John Doe | | | | |

EXHIBIT "A" (1 of 2)



NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC REPRESENTATION SHOWN HERE ON

$$\text{P}_2\text{HCl} : 3:$$

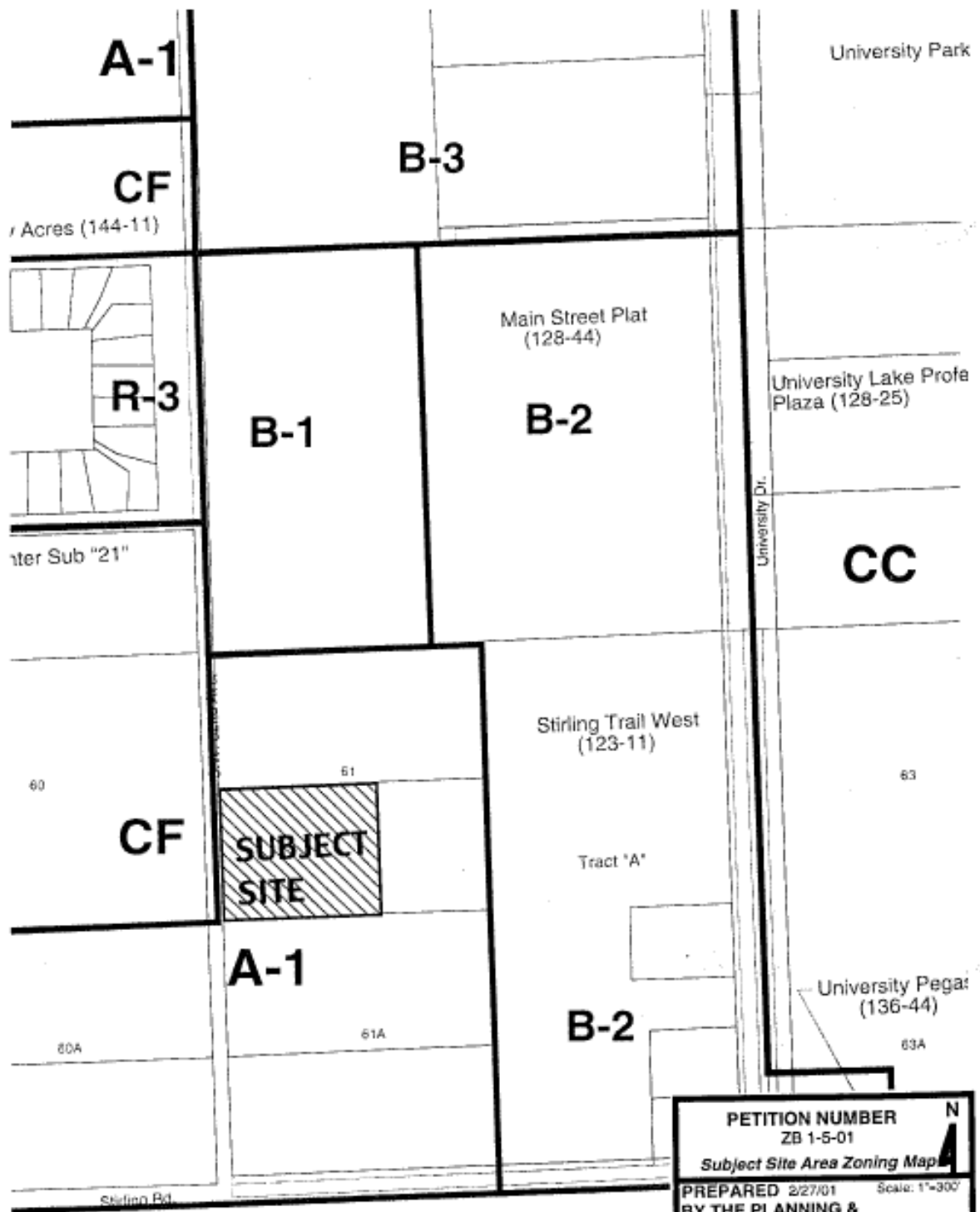
PORTION OF TRACT "A" OF "EVERGLADES SUGAR AND LAND COMPANY
DIVISION, SECTION 33, TOWNSHIP 36 SOUTH, RANGE 41 EAST",
ACCORDING TO THE PLAT THEREON, AS PICTURED IN PLAT BOOK 5, PAGE
62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA,
DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF TRACT "A" OF "SUNSHINE
TRACT, WEST 1/4 PLAT, ACCORDING TO THE PLAT THEREON, AS PICTURED
IN PLAT BOOK 123, PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY,
FLORIDA AND THE NORTHEAST CORNER OF SAID TRACT G12
THENCE SOUTH 87°28' 45" WEST, ALONG THE BENCH LINE OF SAID TRACT G12,
A DISTANCE OF 640.02 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT G12
THENCE SOUTH 01°54' 16" EAST, ALONG SAID TRACT LINE, A DISTANCE OF
294.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 88° 04' 41" EAST, A DISTANCE OF 875.54 FEET
THENCE SOUTH 01°54' 21" EAST, A DISTANCE OF 855.18 FEET
THENCE SOUTH 01° 28' 45" WEST, A DISTANCE OF 515.58 FEET TO A POINT ON THE
WESTERLY LINE OF SAID TRACT G12;
THENCE NORTH 01°54' 16" WEST, A DISTANCE OF 86.99 FEET TO THE POINT OF
BEGINNING.
SAID LAND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA,
CONTAINING 0.7531 ACRES ± 41.95 SQUARE FEET, MORE OR LESS.

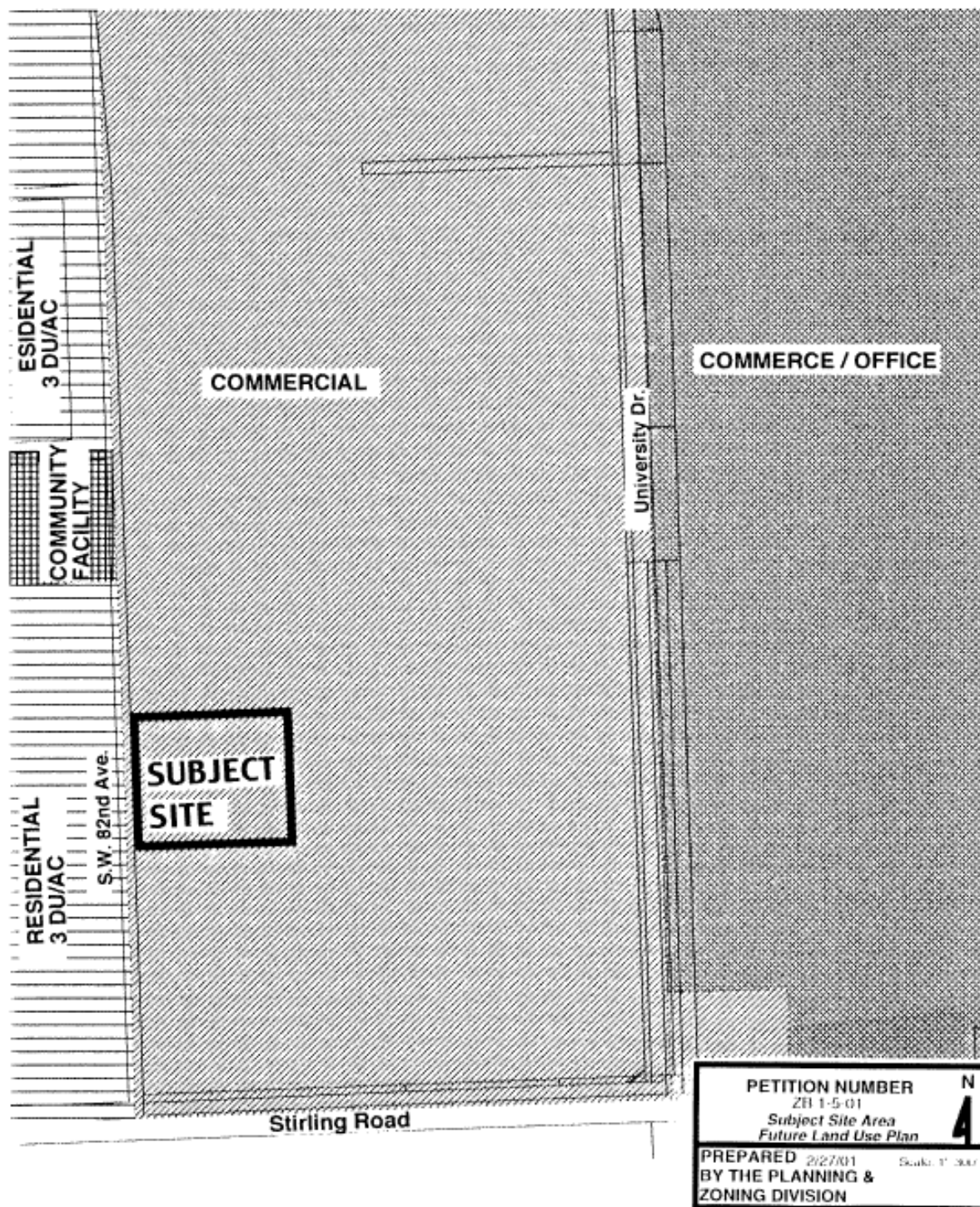
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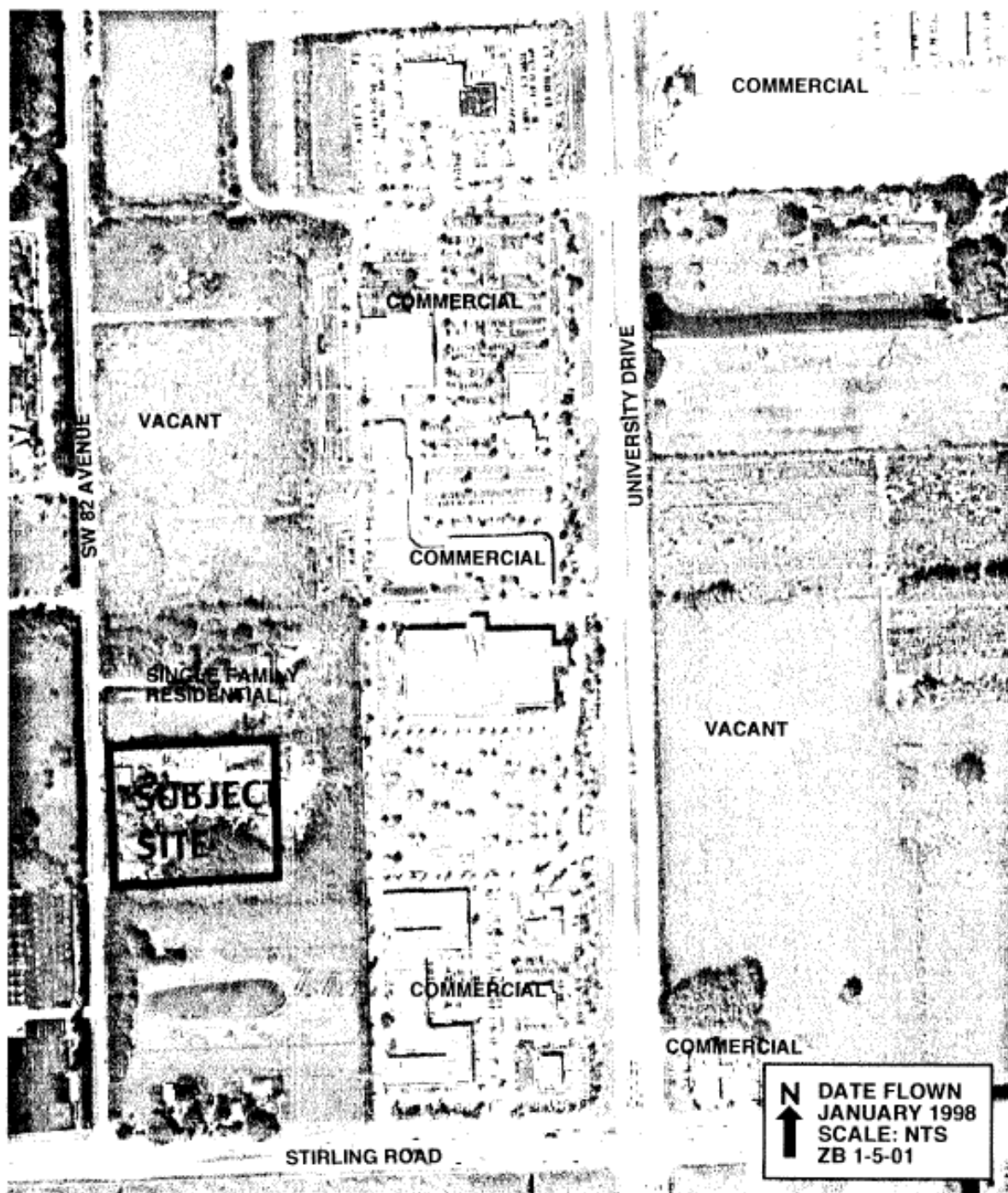
PREPARED BY
STEPHEN K. SUELEY
PROFESSIONAL SURVEYOR AND MAPPER No. 15 4574
STATE OF FLORIDA

[illegible]

EXHIBIT "A " (2 of 2)







COMMERCIAL

COMMERCIAL

VACANT

COMMERCIAL

SINGLE FAMILY
RESIDENTIAL

**SUBJECT
SITE**

COMMERCIAL

VACANT

COMMERCIAL

STIRLING ROAD

UNIVERSITY DRIVE

N DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 1-5-01